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12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14

15 MONICA ARAIZA, IFRAIN  
ARAIZA, AND DOES 1 TO 5,

16 Plaintiff,

17 v.

18 THE STATE OF CALIFORNIA,  
BUREAU OF PRISONS WESTERN  
19 REGIONAL OFFICE-FCI LOMPOC,  
AND DOES 2- 100, inclusive,  
20

21 Defendants.  
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Case No. CV 22-4575

**NOTICE OF REMOVAL OF CIVIL  
ACTION**

[28 U.S.C. § 1442(a)(1)]

28 <sup>1</sup> Admitted to practice under Local Rule 83-2.1.4.1. *See* Order, In Re Application  
of Zakariya K. Varshovi For Admission Pursuant To Local Rule 83-2.1.4.1, C.D. Cal.  
No. 2:22-cm-14-PSG (Feb. 2, 2022).

1           **TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL**  
2 **DISTRICT OF CALIFORNIA AND TO THE PARTIES, BY AND THROUGH**  
3 **THEIR COUNSEL OF RECORD:**

4           PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. § 1442(a)(1), Defendant  
5 Federal Bureau of Prisons (sued herein as Bureau of Prisons Western Regional Office-FCI  
6 Lompoc) (“BOP”), hereby removes the State Court action described below to this  
7 Honorable Court. The grounds for this removal are as follows:

8           1.     On March 3, 2021, Plaintiffs Monica Araiza and Does 1 to 5 filed a civil  
9 action against Defendants the State of California and Does 1-100 in the Superior Court of  
10 the State of California for the County of Santa Barbara, Case No. 21CV01049. Plaintiffs  
11 brought claims for “statutory liability/dangerous condition of public property,”  
12 “negligence,” and “wrongful death” arising out of a fatal motor vehicle accident on  
13 February 14, 2020 (the “Accident”) between Plaintiffs’ decedent and Michael Hanson,  
14 who Plaintiffs allege was in the scope of employment with the BOP at the time of the  
15 Accident. However, Plaintiffs did not name the BOP as a Defendant.

16           2.     On October 21, 2021, Plaintiffs now Monica Araiza and Ifrain Araiza filed  
17 an amended complaint against Defendants the State of California and Does 1-100.  
18 Plaintiffs kept all claims for “statutory liability/dangerous condition of public property,”  
19 “negligence,” and “wrongful death” arising out of the Accident. However, Plaintiffs still  
20 did not name the BOP as a Defendant.

21           3.     On January 28, 2022, Plaintiffs Monica Araiza and Ifrain Araiza filed a third  
22 amended complaint against Defendants the State of California, the BOP, and does 2 to 100  
23 Inclusive. Plaintiffs kept all claims for “statutory liability/dangerous condition of public  
24 property,” “negligence,” and “wrongful death” arising out of the Accident.

25           4.     A copy of Plaintiffs’ Complaint, Amended Complaint, Third Amended  
26 Complaint, and all other pleadings obtained to date are attached as **Exhibit 1**.

27           5.     This action is one which must be removed to this Court pursuant to 28 U.S.C.  
28 § 1442(a)(1), which authorizes the removal of civil actions against “[t]he United States or

any agency thereof ..." to the district court embracing the place where the action is pending. The BOP is a federal agency and is entitled to, among other things, the federal defense of sovereign immunity. Further, the state court has no jurisdiction over the BOP.

6. Plaintiffs have not served the United States Attorney's Office or Attorney General's Office as required by Rule 4(i). *See* Fed. R. Civ. P. 4(i)(2). In *Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 356 (1999), the Supreme Court held that service must be complete before 28 U.S.C. § 1446(b)'s time limits for removal commence. Accordingly, the time for this case to be removed pursuant to 28 U.S.C. § 1446(b) has yet to commence. Thus, removal is timely.

7. Promptly after filing this notice, the BOP shall give written notice of this removal to the adverse party and to the Clerk of the State Court. *See* 28 U.S.C. § 1446(d).

8. This Court is the proper district and division to hear this case because Plaintiff brought this action in the Santa Barbara County Superior Court. *See* 28 U.S.C. § 1442(a).

9. Because this notice is filed on behalf of a federal agency, no bond is required under the terms of 28 U.S.C. § 2408.

WHEREFORE, the BOP removes the action now pending in the Superior Court of the State of California for the County of Santa Barbara, Case No. 21CV01049, to the United States District Court for the Central District of California.

Dated: July 5, 2022

Respectfully submitted,

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